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6 Attorneys for Plaintiff
7 United States of America

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 \$10,594.00 IN U.S. CURRENCY,)
14 Defendant.)

Civil No. '07 CV 2007

DMS WMC

COMPLAINT FOR
FORFEITURE

16 By way of complaint against the defendant, \$10,594.00 IN U.S. CURRENCY (hereinafter
17 "defendant currency"), the United States of America alleges:

18 1. This Court has jurisdiction over this action by virtue of the provisions of Title 28,
19 United States Code, Sections 1345 and 1355, and Title 21, United States Code, Section 881.

20 2. Venue is proper in this district pursuant to Title 21, United States Code, 881(j) because
21 the acts or omissions giving rise to the forfeiture occurred in this district.

22 3. As part of an investigation agents began a surveillance of the a residence on Bobolink
23 Drive in Vista. Agents observed a high level of foot traffic consistent with drug sales. Based on this as
24 well as other information acquired during the investigation, agents obtained a federally authorized
25 search warrant for the residence on Bobolink Drive.

26 On May 17, 2007, at approximately 6:00 a.m., agents served the search warrant on the residence.
27 When the agents served the warrant there were eight people at the residence, including Ambrosio
28 Arellano and Rosa Arellano. Ambrosio and Rosa Arellano were encountered in the master bedroom of

1 the residence. When agents searched the master bedroom they located items of dominion and control
2 related to both Ambrosio and Rosa Arellano, an unloaded 9mm handgun, a cornstarch box containing
3 a white powdery substance, 20 bags of methamphetamine totaling 73.26 grams (on the porch under the
4 bedroom window), pay and owe sheets, and \$594.00 in U.S. Currency.

5 In the dining room of the house a detective removed some plastic flowers from a vase and
6 removed 7 baggies of cocaine packaged in quantities consistent with sales. In the rest of the house
7 agents located 9mm ammunition, 7.2 grams of meth, 1.2 grams of marijuana, 2 glass pipes, a digital
8 scale, and packaging material. A detective also located a small door in the ceiling near the bedrooms.
9 There was a metal safe that contained paperwork with Ambrosio's name on it, and \$10,000.00 in U.S.
10 Currency. Ambrosio admitted this was his currency, and claimed to have earned it working as a roofer
11 at \$400.00 per week.

12 Ulises Contreras was contacted in the residence in the room that contained approximately
13 7 grams of methamphetamine and the marijuana. Ulises stated he used to sell drugs for Rosa Arellano,
14 but had purchased the drugs he now possessed for \$200.00.

15 4. On and/or prior to May 17, 2007, the defendant currency was a thing of value furnished
16 or intended to be furnished in exchange for a controlled substance or listed chemical in violation of
17 Title 21 of the United States Code, Section 881.

18 5. Alternatively, on and/or prior to May 17, 2007 the defendant currency represented the
19 proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in
20 violation of Title 21 of the United States Code, Section 881.

21 6. Because of the aforementioned acts or uses alleged herein, either singly or in
22 combination, the defendant currency is subject to forfeiture pursuant to Title 21, United States Code,
23 Section 881(a)(6).

24 //

25 //

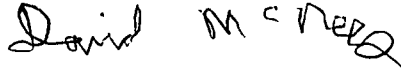
26 //

1 7. The defendant currency is presently stored within the jurisdiction of this Court.

2 WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the
3 defendant, and that due notice be given to all interested parties to appear and show cause why said
4 forfeiture should not be declared.

5 DATED: October 17, 2007

6 KAREN P. HEWITT
7 United States Attorney

8 

9 DAVID M. McNEES
10 Special Assistant U.S. Attorney

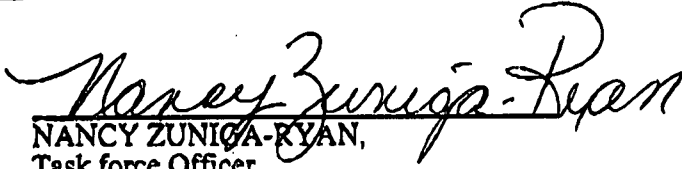
VERIFICATION

I, Nancy Zuniga-Ryan, hereby state and declare as follows:

1. I am a Special Agent with the United States Drug Enforcement Administration
2. I have read the foregoing complaint and know its contents.
3. The information in the complaint was furnished by official Government sources. Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on 10/17/07.


NANCY ZUNIGA-RYAN,
Task force Officer
Drug Enforcement Administration

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

2007 OCT 17 PM 12:05
\$10,594.00 IN U.S. CURRENCY
SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

San Diego

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

07 CV 2007

DMS WMC

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

SAUSA DAVID M. MCNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-6962

DONOVAN J. DUNNION, ESQ.
600 WEST BROADWAY, SUITE 1550
SAN DIEGO CA 92101
(619) 231-8688

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

☒ 1 U.S. Government Plaintiff

☐ 3 Federal Question
(U.S. Government Not a Party)

Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This ☐ 4 ☐ 4

☐ 2 U.S. Government

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another ☐ 5 ☐ 5

Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment	
<input type="checkbox"/> Marine	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 320 Assault, Libel & Liability	<input type="checkbox"/> 368 Asbestos Personal Product Liability	<input checked="" type="checkbox"/> 625 Drug Related of Property 21 USC 881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce/ICC	
<input type="checkbox"/> 150 Recovery of Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 153 Recovery of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Liability		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Exchange	
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal		<input type="checkbox"/> 710 Fair Labor Standards 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge	
<input type="checkbox"/> Other Contract			<input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 195 Contract Product			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. or Defendant)	<input type="checkbox"/> 892 Economic	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Habeas Corpus	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 894 Energy Allocation	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General			<input type="checkbox"/> 895 Freedom of	
<input type="checkbox"/> 230 Rent Lease &	<input type="checkbox"/> 443	<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> 900 Appeal of Fee Under Equal Access to	
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of	
<input type="checkbox"/> 245 Tort Product	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory	
<input type="checkbox"/> 290 All Other Real		<input type="checkbox"/> 555 Prisoner Conditions				

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE
10/17/07

David M. McNees

SIGNATURE OF ATTORNEY OF RECORD
DAVID M. MCNEES, SAUSA